

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AUDRA MCCOWAN, et al.,

Plaintiffs,

v.

CITY OF PHILADELPHIA, et al.,

Defendants.

CIVIL ACTION

NO. 2:19-cv-03326-KSM

ORDER

AND NOW, this 24th day of August, 2021, upon consideration of Defendants the City of Philadelphia, Christine Coulter, Daniel MacDonald, Michael McCarrick, Timothy McHugh, Brent Conway, Eric Williford, Kevin O'Brien, Tamika Allen, and Herbert Gibbons' unopposed Motion to Seal Documents Designated as Confidential (Doc. No. 159), and following an in camera review of the documents by the Court, it is **ORDERED** that the motion to seal is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. As to the EEO memoranda produced by the City of Philadelphia, and as outlined in the chart at Appendix A, the motion is **GRANTED** with respect to the redaction of personal identifying information of nonlitigants. The motion is **DENIED** with respect to the redaction of personal identifying information in EEO19-0010 and EEO19-0027, the redaction of personal identifying information with respect to McCowan's complaint in EEO15-0029, and the redaction of Brent Conway's name in EEO19-0011.

2. As to MMWR 013427, the motion is **GRANTED**, with the exception of the redaction of party names in paragraph 10.

3. As to the file for IAD #14-1189, the motion is **DENIED**.

4. If any party files a document subject to this Order, the document shall be filed with the personal identifying information of third-party nonlitigants redacted and with the redacted information under seal.

IT IS SO ORDERED.

/s/Karen Spencer Marston

KAREN SPENCER MARSTON, J.

APPENDIX A

<u>BATES Range</u>	<u>Document</u>	<u>Analysis</u>	<u>Ruling</u>
CITY 5941–5944	EEO15-0008	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted
CITY 5945–5949	EEO15-0017	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted
CITY 5950–5967	EEO15-0023	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted
CITY 5968–5976	EEO15-0029	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Denied to the extent it redacts the information of individuals in connection with McCowan’s internal complaint on pages CITY 5968–72 and 5975. Otherwise, Granted.
CITY 5977–5979	EEO15-0037	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants. On page CITY 5978, a specific job title unique to a single individual was redacted to protect the privacy of the identified individual.	Granted.
CITY 5980–5992	EEO15-0038	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 5993–5997	EEO16-0005	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.

		On CITY 5993, a specific and unique job title was redacted to protect the privacy of the identified individual.	
CITY 5998–6009	EEO16-0012	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants. On CITY 6000, retirement date redacted.	Granted.
CITY 6010–6038	EEO16-0013	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6039–6053	EEO16-0019	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6054–6058	EEO17-0009	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants. Work location redacted throughout because the small size and unique function of this unit makes individuals easily identifiable.	Granted.
CITY 6059–6078	EEO17-0010	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants. On page CITY 6059, a specific job title unique to a single individual was redacted to protect the privacy of the identified individual. Work location redacted throughout because the small size and unique	Granted.

		function of this unit makes individuals easily identifiable.	
CITY 6079–6089	EEO17-0016	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6090–6094	EEO17-0020	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6095–6135	EEO17-0021	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants. Complainants' specific responsibilities redacted throughout because, due to the small number of officers assigned these tasks, this information would make complainants' identities easily ascertainable.	Granted.
CITY 6136–6142	EEO17-0022	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants. On page CITY 6136, a specific job title unique to a single individual was redacted to protect the privacy of the identified individual.	Granted.
CITY 6143–6167	EEO17-0023	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6168–6172	EEO17-0024	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6173–6187	EEO17-0025	First and last names, along with unique identifiers badge number, payroll, and	Granted.

		<p>date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.</p> <p>Former work location redacted throughout because the small size and unique function of this unit makes individuals easily identifiable.</p> <p>CITY 6176 – address and telephone number of third-party nonlitigant redacted.</p>	
CITY 6188–6190	EEO17-0026	<p>First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.</p> <p>Work locations redacted throughout because the small size and unique functions of these units makes assigned individuals easily identifiable.</p>	Granted.
CITY 6191–6242	EEO17-0027	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6243–6263	EEO17-0030	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6264–6282	EEO17-0034	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6283–6307	EEO17-0037	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6308–6321	EEO17-0038	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment	Granted.

		are redacted to protect the privacy of third-party nonlitigants.	
CITY 6322–6352	EEO17-0039	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants. CITY 6323, 6324, 6325, 6326, 6328 – telephone numbers of third-party nonlitigant redacted to protect privacy of said individual.	Granted.
CITY 6353–6365	EEO17-0040	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants. CITY 6353 – promotional path and assignments redacted because this information would make the identity of third-party nonlitigant easily ascertainable.	Granted.
CITY 6366–6373	EEO17-0042	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6374–6379	EEO17-0043	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6380–6392	EEO18-0002	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants. CITY 6380 – assignment redacted because this information would make the identity of third-party nonlitigant easily ascertainable.	Granted.
CITY 6393–6412	EEO18-0005	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment	Granted.

		<p>are redacted to protect the privacy of third-party nonlitigants.</p> <p>CITY 6395 – home address, telephone number, and age of third-party nonlitigant redacted to protect the privacy of a third-party nonlitigant.</p>	
CITY 6413–6421	EEO18-0007	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6422–6466	EEO18-0009	<p>First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.</p> <p>CITY 6422 – assignment redacted because this information would make the identity of third-party nonlitigant easily ascertainable.</p> <p>CITY 6431 – home address, age, telephone number, and new employer of third-party nonlitigant redacted to protect the privacy of a third-party nonlitigant.</p> <p>CITY 6447 - home address of third-party nonlitigant redacted to protect the privacy of a third-party nonlitigant.</p>	Granted.
CITY 6467–6481	EEO18-0012	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6482–6498	EEO18-0015	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6499–6510	EEO18-0016	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment	Granted.

		are redacted to protect the privacy of third-party nonlitigants.	
CITY 6511–6531	EEO18-0017	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6532–6546	EEO18-0018	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6547–6562	EEO18-0021	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6563–6566	EEO18-0022	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6567–6585	EEO18-0023	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6586–6589	EEO18-0031	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6590–6596	EEO18-0034	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6597–6609	EEO18-0035	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6610–6614	EEO18-0037	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment	Granted.

		are redacted to protect the privacy of third-party nonlitigants.	
CITY 6615–6618	EEO18-0039	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6619–6626	EEO18-0041	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6627–6662	EEO18-0042	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6663–6675	EEO18-0043	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants. Job titles and specialized unit assignments redacted throughout because this information would make the identity of third-party nonlitigant easily ascertainable.	Granted.
CITY 6676–6681	EEO18-0045	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6682–6688	EEO18-0046	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants. Job title and non-PPD employer of third-party nonlitigant complainant redacted throughout to protect complainant's privacy.	Granted.
CITY 6689–6693	EEO18-0048	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment	Granted.

		are redacted to protect the privacy of third-party nonlitigants. Employee ages redacted throughout to protect the privacy of those identifiable by age.	
CITY 6694–6720	EEO18-0050	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6721–6725	EEO19-0001	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6726–6730	EEO19-0002	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6731–6749	EEO19-0003	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6750–6765	EEO19-0004	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants. Age of complainant redacted to avoid divulging personal details invasive of complainant's privacy. CITY 6751 – dates of automobile accidents and injured-on-duty (IOD) status redacted to protect complainant's privacy.	Granted.
CITY 6766–6775	EEO19-0005	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.

		CITY 6766 – District Control (DC) number redacted to protect privacy of third-party nonlitigants.	
CITY 6776–6802	EEO19-0006	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6803–6827	EEO19-0010	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Denied. The City proposes redacting party names, and therefore, the redactions are not targeted at “nonlitigants.” In addition, the facts and investigation described in the memorandum are discussed in detail in the second amended complaint.
CITY 6828–6837	EEO19-0011	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Denied to the extent that it redacts Brent Conway’s name on CITY 6289. Otherwise, Granted.
CITY 6838–6842	EEO19-0017	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants. Job titles and specialized unit assignments redacted throughout to protect the privacy of third-party nonlitigants who could be easily identified through such detailed information.	Granted.
CITY 6843–6846	EEO19-0020	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6847–6862	EEO19-0027	First and last names, along with unique identifiers badge number, payroll, and	Denied. The City proposes redacting

		date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	party names, and therefore the redactions are not targeted at “nonlitigants.” In addition, the facts and investigation described in this memorandum are discussed in detail in the second amended complaint.
CITY 6863–6867	EEO19-0028	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6868–6877	EEO19-0030	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6878–6880	EEO19-0054	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6881–6889	EEO19-0070	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6890–6900	EEO20-0001	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.	Granted.
CITY 6901–6913	EEO20-0002	First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants. Specialized unit assignments redacted throughout because this information	Granted.

		would make the identity of third-party nonlitigants easily ascertainable.	
CITY 6921–6923	EEO15-0002	<p>First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.</p> <p>Specialized unit assignments redacted throughout because this information would make the identity of third-party nonlitigants easily ascertainable.</p>	Granted.
CITY 6914–6920	EEO15-0031	<p>First and last names, along with unique identifiers badge number, payroll, and date(s) of appointment and assignment are redacted to protect the privacy of third-party nonlitigants.</p> <p>Work location redacted throughout because the small size and unique function of this unit makes individuals easily identifiable.</p> <p>CITY 6918, 6920 – cell phone serial number redacted to protect privacy interest of third-party nonlitigant.</p>	Granted.